



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 6, 2022**

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, December 6, 2022 at 5:30 PM for the purpose of discussing the following items:

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the Weslaco City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

Pursuant to Texas Government Code Section 551.127, on a regular, non-emergency basis, the Weslaco City Commission may attend and participate in the meeting remotely by telephonic conference. Should that occur, a quorum of the members will be physically present at the location noted above on this agenda.

I. CALL TO ORDER

- A. Certification of Public Notice.
- B. Invocation.
- C. Pledge of Allegiance.
- D. Mayoral Recognition.
Proclamation for District Attorney Ricardo Rodriguez, Jr.
- E. Roll Call.

II. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. Due to the Texas Open Meetings Act, the Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

The Public may comment on anything on the agenda, however if you comment on something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

III. PUBLIC HEARING

- A. To solicit input on the proposed demolition order for unoccupied buildings as dilapidated, substandard, unfit for human habitation and a hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225

located at:

1. 313 N. Iowa St. being Gonzales Addition S40' Lot 12 & 30 Lot12A BLK 11. Owner: Matilde & Teodora S. Padilla
2. 105 N. Kansas Ave, being Gonzales Addition Lots 18 & 19 BLK 1. Owner: Javier Hernandez
3. 617 S. Indiana St. being Weslaco Original Townsite Lot 13 BLK 52. Owner: Felipe and Yrenia Perez
4. 217 N. Liberty St. being STAATS Addition Lot 6 BLK 5. Owner: Maria De Jesus Reyes
5. 113 W. Paisano, being Citrus Terrace W30'-Lot 6 & E30' Lot 7 BLK 4. Owner: Isdora Garza
6. 608 E. Loop 19th, being Trail Ends Subdivision Lot 25 BLK 9. Owner: Jose I. Marroquin
7. 621 E. Plaza St., being Ramona Addition Lot 27 BLK 7. Owner: Noemi Martinez
8. 621 S. Indiana St, being Weslaco Original Townsite Lot 11 BLK 52. Owner: Cecil R. Truitt
9. 729 Calle Lee Garza, being James M. Black Lots 38 & 39 BLK 1. Owner: Jose & Teresa Hernandez
10. 116 Zamora Ave, being Colonia Guadalupe Lots 8 & 9 BLK 3. Owner: Timoteo Gonzales Trevino
11. 1410 Clifton St., being C. Davenport Lots 6 & 7 BLK 9. Owner: Terry Fuentes C/O AS Puente
12. 2009 N. International, being Adams Tract- The South 1.72 acres of The North 4.04 acres 9.99 acres of farm tract 1040 1.74 acres net. Owner: Armando Bautista
13. 300 Blue Bonnet St, being Expressway Heights Lots 3-5 BLK 3. Owner: Maria Pineda
14. 705 E. Business 83, being Graham & Moore Lot 5, Ballard Trailer Park AKA 705 M/H Park. Owner: Tomas & Teresa Perez
15. 3716 Canan St, being Tierra Prometida Lot 19, Weslaco Original Townsite & E15'LT 43. Owner: Abiel Ramon
16. 425 E. Business 83, being West Tract, 1.99AC-FT829'W75'-LT 10(H1100); LT 46 & N150'-E110'-LT 1 A & N3.70'-S150'-E60' & S5'-E60 BLK, Weslaco Original Townsite & E15'LT 43. Owner: E.M Payne
17. 2307 E. Plaza St. being West Tract, 0.339AC, S14.4711, AC-N20CA Farm Tract 17.0339 acres net, Weslaco, Hidalgo County, Texas. Owner: Pedro Gonzales
(Staffed by Planning and Code Enforcement.)

- B. To solicit input in compliance with the Five (5) Year Consolidated Plan for Community Planning and Development (CDBG) under the Urban County Program for Fiscal Years 37-41 (2023-2027). (Staffed by Finance Department.) Attachment.

IV. CONSENT AGENDA

All items listed under the Consent Agenda are considered to be routine and the Governing Body has been furnished with background and support material on each item and will be acted by one motion. Any Commissioner may remove items from the consent agenda by making such request prior to a motion and voting on the

Consent Agenda.

- A. Approval of the Minutes of the Regular Meeting on November 15, 2022 and Special Meeting on November 17, 2022. (Staffed by City Secretary Department.) Attachment.
- B. Approval on second and final reading of the following:
 - 1) Ordinance 2022-43 to rezone 3030 N Texas Blvd., also being the West 2.5 acres of the North 5 acres of the South 20 acres of Farm Tract 108, West Tract, Hidalgo County, Texas from R-1 One-family dwelling district to B-1 neighborhood business district and authorize the Mayor to execute any related documents. (First reading held November 15, 2022; staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval to apply for the Department of Health and Human Services FY 23 Rural Communities Opioid Response Program in the amount of \$300,000 with NO MATCH required and NO RECURRING cost required to improve capacity, sustainability of prevention, treatment, and recovery services for substance-use disorder and authorize the Mayor to execute any related documents. (Staffed by Fire/EMS, Grant Writer.) Attachment.
- D. Approval of Resolution 2022-62 to update signatories on legal financial documents identified with all accounts with PNC and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.
- E. Approval to submit a Letter of Intent to Urban County Program for Year 36 project to be funded from FY Budget 2023-2024 and authorize the Mayor to execute any related documents. (Staffed by Finance Department.) Attachment.

V. **NEW BUSINESS**

- A. Discussion and consideration to authorize the demolition order for La Plazita Service Center located at 310 N Kansas Avenue, also being Gonzales Addition Lots 1 through 22 & 20' X 280' of alley between Lots 1-22 Block 6, Weslaco, Hidalgo County, Texas. Owner: City of Weslaco in the amount of \$20,000-25,000 for remediation of the asbestos and black mold and an additional \$20,000 for demolition and haul away and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.
- B. Discussion and consideration after public hearing to authorize the demolition order for an unoccupied building as dilapidated, substandard, unfit for human habitation and a hazard to the health, safety and welfare of the citizens of the City of Weslaco as per Weslaco Code of Ordinances Chapter 26 Article VIII Unsanitary & Dangerous Buildings, §26-225 for property located at:
 - 1. 313 N. Iowa St. being Gonzales Addition S40' Lot 12 & 30 Lot12A BLK 11.

Owner: Matilde & Teodora S. Padilla

2. 105 N. Kansas Ave, being Gonzales Addition Lots 18 & 19 BLK 1. Owner: Javier Hernandez

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17. 2307 E. Plaza St. being West Tract, 0.339AC, S14.4711, AC-N20CA Farm Tract 17.0339 acres net, Weslaco, Hidalgo County, Texas. Owner: Pedro Gonzales and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

- C. Discussion and consideration to approve Contingency Allowance Expenditure Authorization No. 7 for the City of Weslaco New Police Department with Municipal Judicial Court Project in an amount not to exceed \$15,002 for addition of Return Air Transfer and Air Transfer Grills as indicated in ASI 005 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department .) Attachment.
- D. Discussion and consideration to rescind the award of Contract RFB No. 2021-22-31 Mayor Pablo Pena City Park Sports Field Lighting and Isaac Rodriguez Skate Park Lighting to Zitro Electric and authorize staff to negotiate a contract with Norris Leal,

LLC, the second bidder, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Parks & Recreation Department.)

- E. Discussion and consideration on Accepting a Federal Transit Administration Section 5310 Grant from the Lower Rio Grande Development Council and enter into an Interlocal Agreement for the proposed Weslaco Pedestrian 2022 Project, Phase 2 constructing sidewalk and ADA improvements along Bridge St between Pike Blvd and US Business 83 and authorize the Mayor to execute any related documents. Possible action. (Staffed by Assistant City Manager.) Attachment.
- F. Discussion and consideration to purchase the Fire personnel's dorm lockers for the new Fire Station for an amount not to exceed \$40,995.00 from the sole source vendor, Salsbury Industries, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Fire Department.) Attachment.

VI. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a government body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. (Added by Acts 1993, 73rd Leg., ch 268, § 1, eff. Sept. 1, 1993.)

NOTE: Any documentation related to the following items will be maintained as part of the certified agenda.

- A. Personnel - Discussion regarding the goals, objectives, and evaluation of the City Manager for the City of Weslaco as authorized by section §551.074 of the Texas Government Code.
- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Fire Union (IAFF-WFFA Local 3207) as authorized by section §551.071 of the Texas Government Code.

- C. Legal Consultation - Consultation with City Attorney regarding potential claims by the City against Castle Construction regarding the Police and Fire Station Project as authorized by Section §551.071 of the Texas Government Code.
- D. Legal Consultation - Consultation with City Attorney relating to the lawsuit with CDM as authorized by section §551.071 of the Texas Government Code.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

VIII. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act on the outside bulletin board at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance, visible and accessible to the general public during and after regular working hours. This notice was posted on this 2nd day of December 2022 on or before 5:00 pm and will remain so posted continuously for at least 72-hours preceding the scheduled time of this meeting in accordance with Chapter 551 of the Texas Government Code.

/s/ Norma A. Cantu, City Secretary

NOTE: If any accommodation for a disability is required, please notify the City Secretary Department at (956) 968-3181, Ext. 1001 prior to the meeting date.

Regular Meetings of the Weslaco City Commission stream live online at <http://www.weslacotx.gov/open-government/open-meetings>. Archived video of some meetings are also available.

Removed from Bulletin Board

Date:

Initials:

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN".

“DE ACUERDO CON LA SECCION 30.06 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA OCULTA”.

"PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY".

“DE ACUERDO CON LA SECCION 30.07 DEL CODIGO PENAL (INGRESO SIN AUTORIZACION DE UN TITULAR DE UNA LICENCIA CON UNA PISTOLA A LA VISTA), UNA PERSONA CON LICENCIA SEGUN EL SUBCAPITULO H, CAPITULO 411, CODIGO DEL GOBIERNO (LEY SOBRE LICENCIAS PARA PORTAR PISTOLAS), NO PUEDE INGRESAR A ESTA PROPIEDAD CON UNA PISTOLA A LA VISTA”.